REMARKS

Claims 1-6 and 15-25 are pending in this application. In the last Office Action, the Examiner indicated that claims 1-6 remain allowed. Applicants thank the Examiner for allowing those claims. The Examiner rejected claim 15 under 35 U.S.C. § 112 for "failing to comply with the written description requirement." Claims 15-20 were rejected as obvious over Bain et al. (US 5,287,434) in view of Lobiondo (US 5,287,194). The Examiner rejected claims 21-25 as anticipated by Bain et al. Claim 15 has been amended.

In response to the § 112 rejection, Applicants have amended claim 15 to more clearly define the claimed invention. It now states that "the status recovered by the recovery means is the status immediately before the occurrence of the failure." Applicants view this amendment as a clarifying grammatical change that does not narrow the scope of claim 15.

Applicants respectfully submit that the claim as amended complies with § 112 because the specification supports this amendment when read as a whole for what it teaches one of ordinary skill in the art. For example, the specification states that an "object of the present invention is to provide a job scheduling device capable of reducing the influence of system failures and carrying out job processing according to a user's instructions even when failures arise in a system." (Specification at page 17, lines 6-9.) The "influence of system failures" referred to in that statement is generally described on at least pages 13 and 14 of the specification. In part, it states:

> However, according to this conventional technology, it is necessary to collect information about failures and store the information in a log file. Further, a system manager has to analyze and restore the information held in the log file, and hence it takes a long time to restore the information to its original state

immediately before the occurrence of the failure." (Page 13, lines 6-12; emphasis added.)

The specification later states that "[i]f any failure arises during the scheduling of jobs, the recovery processing section 412e recovers the previous state of each of jobs retained in the plurality of queues at the time of recovery from the failure." (Page 154, lines 1-4.) These passages conclusively establish that Applicants possessed the claimed invention at the time of filing the application. Because the application fully complies with § 112, Applicants request withdrawal of this rejection.

The Examiner rejected claim 15 as obvious over Bain et al. when combined with Lobiondo. Applicants respectfully submit that amended claim 15 is not obvious because the cited references at least do not disclose, teach, or suggest the claimed "recovery means for recovering the status of each of the jobs being held in the plurality of queues, at the time of recovery from a failure, if any failure occurred while the jobs are being scheduled by said scheduling means, wherein the status recovered by the recovery means is the status immediately before the occurrence of the failure." The Examiner asserts that column 15, lines 1-20 of Bain et al. teach changing "the processing state of the print job at the time of failure to a wait state. A wait state is a state previous to a processing state because it is waiting to be processed." However, although a previous status of a job may have been a "wait state," it is not necessarily true that it was "the status immediately before the occurrence of the failure" as recited in claim 15. The failure may have occurred, for example, while the job was being executed. Accordingly, Bain et al. and Lobiondo, taken alone or in combination, do not disclose, teach, or suggest the claimed invention. Applicants respectfully request withdrawal of this rejection and allowance of claim 15.

The Examiner rejected claim 16 as obvious over Bain et al. and Lobiondo. Claim 16 recites an "attribute modifying means for modifying the attribute information ... wherein the attribute information is chosen from at least one of paper size, tray number, and the availability of double-sided printing." The Examiner bases his rejection on his belief that Bain et al. discloses "attribute information" in the form of the "priority" disclosed at col. 8, line 2. But the language of the claim defines "attribute information" as "at least one of paper size, tray number, and the availability of double-sided printing." Thus, in the context of this claim, "priority" is not "attribute information." Contrary to the Examiner's assertion that "the attribute information might include other attribute information such as the 'priority' that was disclosed by Bain," (Detailed Action at 8), the express language of the claim precludes such an interpretation.

Because Bain et al. and Lobiondo, taken alone or in combination, do not disclose, teach, or suggest an "attribute modifying means for modifying the attribute information ... wherein the attribute information is chosen from at least one of paper size, tray number, and the availability of double-sided printing," Applicants respectfully request withdrawal of this rejection and the allowance of claim 16. For at least the same reasons, claims 17-20 are patentable due to their dependence on claim 16. Claim 21 contains an identical limitation, so it is allowable for the same reasons claim 16 is allowable. Claims 22-25 are patentable due to their dependence on claim 21.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 15-25 in condition for allowance. Applicants submit that the proposed amendment of claim 15 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all

of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner. Furthermore, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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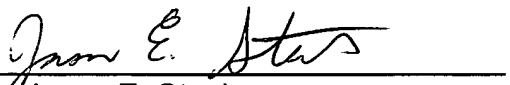
Dated: February 24, 2005

By: 
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